

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:21CR226
)	
Plaintiff,)	JUDGE PAMELA A. BARKER
)	
v.)	
)	
DAVIS LU,)	<u>JOINT MOTION TO CONTINUE FINAL</u>
)	<u>PRETRIAL AND TRIAL</u>
Defendant.)	

Now come the parties, by and through undersigned counsel, and hereby requests this Honorable Court to continue the final pretrial and trial dates for the following reasons:

On April 1, 2021, a Grand Jury sitting in the Northern District of Ohio, Eastern Division, returned a one-count Indictment against Defendant Davis Lu, alleging a violation of 18 U.S.C. 1030(1)(5)(A), (c)(4)(A)(i)(I), (c)(4)(A)(i)(VI), and (c)(f)(B)(i), Intentionally Damaging a Protected Computer. On April 14, 2021, the Defendant was arraigned and released on bond. The Defendant previously filed motions to continue the final pretrial and trial dates on November 16, 2021, February 11, 2022, July 21, 2022, November 4, 2022, and April 20, 2023. (R. 19, 21, 23, 26, and 28). The primary reason for these continuances was due to the Defendant's requests for additional discovery that was not in the Government's possession, but in the possession of Company1. The Government facilitated the Defendant's discovery requests and did not oppose the continuances. The Defendant employed an expert in this matter and the material was provided to him pursuant to the protective order in place.

On May 5, 2023, the defense met with the Government and presented their expert's findings. The Government intends to meet with representatives of Company1 to discuss the

defense expert's findings. An extension is necessary in the interests of justice as the parties are still negotiating a possible resolution of this matter and the defense is still reviewing discovery. Further, should a resolution not be reached, and this case proceed to trial, the Government may seek an independent review of any expert report submitted by defense in compliance with Criminal Rule 16(b)(1)(C).

Respectfully submitted,

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United States Attorney

By: /s/ Brian Deckert

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